

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT**

In Re:

BRANDON HEITMANN,

Debtor

Case No. 24-41956-mar

Chapter 13

Hon. Mark A. Randon - Detroit

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND TO WAIVE FOURTEEN-DAY STAY PURSUANT TO RULE 4001(A)(3)

NOW COMES Movant, Fifth Third Bank, N.A., by and through its Attorneys, Hladik, Onorato & Federman, LLP, hereby states the following as its Motion for Relief from Automatic Stay:

1. That Debtor, Brandon Heitmann, filed a voluntary Chapter 13 Bankruptcy on February 29, 2024.
2. That pursuant to the provisions of 11 U.S.C. § 362(d)(1), upon request of a party in interest, the court shall grant relief from the cause including lack of adequate protection of an interest in such collateral.
3. That pursuant to Local Bankruptcy Court Rule, 9014-1(b)(4) a copy of the proposed Order Granting Relief from the Automatic Stay is attached.
4. That Movant, Fifth Third Bank, N.A., is the holder of a Motor Vehicle Retail Installment Contract Purchase Agreement for a 2017 Audi A7, VIN# WUAWABFCXHN903083. (A copy of Motor Vehicle Retail Installment Contract Purchase Agreement, and Title Verification are attached as Exhibit A and Exhibit B).
5. There remains due and owing on the note referenced in paragraph four hereof, the sum of \$74,801.39 plus interest which does not reflect attorney fees and costs associated with the filing of this motion for relief.
6. That pursuant to the books and records of the Creditor, the Creditor has not been adequately protected by periodic payments as required by 11 U.S.C. § 361 since the filing of the petition as there are arrearages of \$11,714.23 as of the date of the filing of this Motion.
7. That upon information and belief, pursuant to J.D. Power, the value of the collateral is approximately \$48,650.00 and Brandon Heitmann may have no equity in the above-referenced collateral and that the above-referenced collateral may be of inconsequential value to the estate.
8. That upon information and belief, no other party has an interest in the above referenced collateral.

9. That pursuant to Debtor's Chapter 13 Plan, Debtor proposes to surrender the above referenced vehicle to the Creditor, Fifth Third Bank, N.A.
10. Pursuant to L.B.R. 9014-1(h), concurrence of relief was sought on June 12, 2024, and Debtor's Attorney could not concur to relief that was requested.
11. That Movant is entitled to relief from stay to recover possession of the collateral and liquidate its security interest.

WHEREFORE, Movant, Fifth Third Bank, N.A. prays this honorable Court, Order that the Automatic Stay be lifted so as to permit Movant to proceed to enforce its security interest in the collateral.

Respectfully submitted,

Dated: June 14, 2024

/s/ James M. McArdle
James M. McArdle (P82443)
Hladik, Onorato & Federman, LLP
Attorney for Fifth Third Bank, N.A.
3290 West Big Beaver Road, Suite 117
Troy, MI 48084
Phone (248) 362-2600
Email: bankruptcy@hoflawgroup.com